

National Park Service



Manager's/Supervisor's Guide To Understanding, Preventing, And Reporting Harassment

Table of Contents

1. Purpose of This Guide	4
2. Definition of Harassment.....	4
3. NPS Management Responsibilities.....	4
4. What Is Illegal Harassment.....	4
5. Why You Must Know About Workplace Harassment.....	5
6. Definitions and Examples of Illegal Harassment Under the Law.....	5
1. Tangible Employment Action Harassment.....	5
2. Hostile Work Environment (HWE) Harassment	5
3. Sexual Harassment.....	6
7. Crossing the Line Between Social Nuisance and Harassment.....	6
8. The Problem of Perception	6
9. The Importance of Communicating That Words or Actions Are Unwelcome	6
10. Sexual Harassment and the Office Romance.....	7
11. Contractors, Vendors, Volunteers and Other Third Parties	7
12. Retaliation Is Illegal.....	7
13. What You Must Do to Prevent Workplace Harassment	7
14. Educate Yourself and Others	7
15. Enforce Policies	7
16. Expedited Inquiry Process	8
17. Maintain Confidentiality.....	8
18. Receiving the Complaint and Beginning the Inquiry.....	8
19. Determining Next Steps in Conducting the Inquiry	8
20. Duties of the Fact-finder	9
21. Conducting the Interviews.....	9
1. Preparation.....	9
2. Obtaining witness statements.....	10
3. Scheduling witness interviews.....	10
4. Steps for Interviewing the Alleging Individual	10

5.	Steps for Interviewing the Alleged Harasser	11
6.	Steps for Interviewing the Witness (or Witnesses).....	12
22.	Steps for Obtaining Documentary and Physical Evidence	12
23.	Steps to Follow When Evaluating the Information.....	13
24.	Preparing Findings, Conclusions and Recommendations.....	14
25.	Maintaining Confidentiality and Documenting the Inquiry.....	14
26.	Consulting With Human Resources and Taking Remedial Action.....	15
1.	Determination 1: Inquiry Is Inconclusive	15
2.	Determination 2: Harassment Has Not Occurred	15
3.	Determination 3: Harassment or Improper Conduct Has Occurred.....	15
27.	Informal Expedited Inquiry Process Checklist:	16
28.	Other Resources	17

1. Purpose of This Guide

This guide provides the manager or supervisor with:

- A definition and examples of workplace harassment (or Hostile Work Environment (HWE)), including harassment that is illegal under Federal discrimination laws.
- Information on costs and effects of harassment in the workplace.
- Management inquiries you must conduct when you receive allegations of harassment or become aware of harassing behavior.
- Action you must take to stop any harassing behavior found in your inquiry.
- The follow-up and appropriate corrective actions you must take.

2. Definition of Harassment

The term harassment is commonly used by the general public and is also defined by law. Federal laws and the laws of each state define harassment, resulting in many different definitions. Because of this complexity, it is difficult to come up with a standard definition of harassment that is correct in every context. However, in general, harassment is unwelcome behavior directed at an individual, which the person finds offensive and harmful, and that a reasonable person would view as unwelcome or offensive.

Workplace harassment or Hostile Work Environment Harassment (HWE) includes personal interactions characterized by bullying behaviors, personal attacks, acts of intimidation or threats, and behavior that may humiliate, embarrass, and belittle others. Harassment can take the form of verbal comments, actions, gestures, and displays. Usually the offensive behavior occurs often, over a period of time.

Illegal workplace harassment is harassment based on one or more of the bases protected by Federal antidiscrimination laws, including Title VII of the Civil Rights Act, the Rehabilitation Act, Genetic Information Non-Discrimination Act (GINA), and the Age Discrimination in Employment Act (ADEA). These Federal laws prohibit discrimination, which includes harassment based on race, color, religion, national origin, sex (including pregnancy, gender identity, and sexual orientation), age (40+), physical or mental disability, and genetic information. For example, sexual harassment is a type of harassment based on sex and is, therefore, prohibited by Federal law. These laws also prohibit retaliation for participating in EEO activity.

3. NPS Management Responsibilities

As NPS management, you must:

- Avoid behavior that could be interpreted as harassment. Lead by example!
- Identify and stop workplace behavior that could constitute harassment.
- Respond promptly, respectfully and appropriately to those who come forward with complaints of harassing conduct. What is considered "prompt" depends upon the circumstances but an inquiry should begin as soon as possible after an allegation, and it should be completed in no more time than is needed to thoroughly inquire into and, where applicable, document the matter.

This guide provides you — the managers and supervisors of the NPS — with tools to address allegations of harassment in the workplace and to address harassing or inappropriate behavior that you may witness. Eliminating all harassing behavior from the workplace will enable you to have a more efficient operation and will contribute to a more productive, healthier work environment. Even if a certain behavior does not seem to be "harassment" as defined by law, if it is inappropriate, take corrective action, if applicable, and **STOP IT IMMEDIATELY!**

4. What Is Illegal Harassment

Illegal harassment is a form of discrimination that violates Federal antidiscrimination laws including Title VII of the Civil Rights Act, the Rehabilitation Act, the Genetic Information Nondiscrimination Act (GINA), and the Age Discrimination in Employment Act. Under Federal antidiscrimination law, harassment is defined as unwelcome verbal or physical conduct that demeans or shows hostility or aversion toward an individual or group of individuals because of their race, color, religion, sex, national origin, age (40+), mental or physical disability, genetic information, or in retaliation for EEO activity. To be

considered harassment under the law, the behavior must also: (1) result in an intimidating, hostile, or offensive work environment; (2) unreasonably interfere with an individual's work performance; or (3) otherwise adversely affect an individual's employment opportunities. The behavior must, in its totality, alter the terms, conditions, and privileges of employment.

Examples of harassment may include: (1) making offensive or derogatory comments, nicknames, or slurs; (2) engaging in negative stereotyping; or (3) engaging in physically threatening, intimidating, or humiliating actions. Harassment also may include circulating written graphic material (by paper or e-mail or by making it viewable in the workplace) that belittles or shows hostility or aversion toward an individual or group protected under the antidiscrimination laws.

5. Why You Must Know About Workplace Harassment

Your reaction to complaints of harassment plays a large part in whether the NPS will be held responsible for workplace harassment, particularly when claims of a hostile work environment are involved.

The law requires managers and supervisors to take action in the face of harassing behavior. As the person in charge, you are often the first person to whom an employee complains about improper conduct. You are also in a position to do something about harassment. In short, you are expected to manage your workplace and foster an atmosphere conducive to work. You must conduct a prompt, thorough inquiry into a harassment complaint, see that inappropriate conduct stops, and take action to ensure that such conduct does not recur. A thorough inquiry includes interviews with all parties involved and all witnesses to the alleged conduct.

You cannot ignore the problem because it will likely continue. Consequently, productivity will continue to suffer. Even worse, some employees may suffer serious emotional and psychological harm from such harassment. **The bottom line: Harassment in the workplace is bad for your employees and bad for the NPS. You must respond promptly to all complaints and eliminate harassing behaviors.**

6. Definitions and Examples of Illegal Harassment Under the Law

1. *Tangible Employment Action Harassment*

Tangible Employment Action is an action that significantly changes an employee's employment status, such as hiring, firing, promoting, demoting, changing work assignments, or reassigning an employee. Tangible employment action harassment is the harassment of a subordinate by someone with supervisory authority that results in a tangible employment action.

This is usually called quid pro quo harassment. Quid pro quo means "something for something," and it usually involves sexual harassment. The following are examples of quid pro quo harassment:

- A supervisor fires or demotes a subordinate because s/he rejects the supervisor's sexual demands.
- A supervisor makes statements such as:
 - "Have dinner with me tonight, or I'll see to it that you don't pass your probationary period."
 - "You'll get that promotion, but only if you go out with me."

Quid pro quo harassment is the use of power and authority to alter an employee's job conditions or economic benefits because the employee or applicant either submits to or refuses to submit to the unwelcome demands of the person in authority. Be aware that if the employee does not submit to the demand and the manager or supervisor then carries out the threat so that a tangible employment action (e.g., demotion, denial of promotion, or termination) results, it is quid pro quo harassment. The NPS could be automatically liable for harassment. Even if the threat is not carried out, the statement could still constitute HWE harassment.

2. *Hostile Work Environment (HWE) Harassment*

HWE covers a broad range of behaviors and situations. It is most often defined as a pattern of continuing unwelcome behavior that unreasonably interferes with an employee's work performance or that creates an intimidating, hostile, or offensive work environment.

Examples of behavior that could result in a finding of hostile work environment harassment include:

- Using racially derogatory words, phrases, or nicknames.
- Telling jokes or stories with national origin themes.
- Displaying posters or symbols offensive to individuals of a certain race, sex, national origin, religion, etc.

- Making derogatory or intimidating references to an employee's mental or physical impairment.
- Applying pressure for dates.
- Making offensive remarks about a person's looks, clothing, or body parts.
- Whistling or catcalling.
- Using sexual innuendo.
- Spreading false rumors about a person's sex life.
- Blocking a person's path.
- Following a person continually (i.e., stalking).

3. Sexual Harassment

Keep in mind that behavior which is not necessarily sexual in nature, but which is nonetheless demeaning or abusive toward members of one sex, may also constitute HWE.

A single incident, unless it is severe, generally does not constitute illegal harassment. The conduct must be severe or continuing and pervasive. Factors considered in a legal determination of HWE harassment include frequency of the discriminatory conduct, its severity, whether it was physically threatening or humiliating (as opposed to a mere offensive utterance), and whether it unreasonably interferes with work performance.

7. Crossing the Line Between Social Nuisance and Harassment

One of the most difficult aspects of the HWE claim is differentiating between conduct that is overly friendly, rude, or tasteless, and conduct that is so offensive, relentless, severe and egregious that it warrants being labeled as harassment. This behavior should not be tolerated and corrective action should be implemented in either case. The following points are helpful in determining what constitutes workplace harassment:

- The inappropriate behavior must be severe or pervasive enough to interfere with the employee's work conditions or create an abusive work environment. As a general rule, there must be multiple incidents of verbal misconduct to create enough of a pattern of discriminatory behavior to alter the work environment. Isolated incidents of offensive sexual displays or remarks generally are not enough to create a hostile work environment. The exception is conduct that is extremely severe or egregious, such as sexual assault, which could constitute an abusive work environment the first time it happens. It is helpful to investigate whether the employee has previously complained about inappropriate behavior.
- The conduct must be unwelcome. It is neither invited nor solicited, and the person must consider it undesirable and offensive.
- The conduct must be evaluated from the perspective of a "reasonable person." Harassment laws are not designed to protect the hypersensitive individual from offense. This does not mean that a good manager allows employees to provoke even a hypersensitive colleague; harassing behavior is inappropriate, even if it is not illegal.
- HWE claims can encompass harassing behavior that is not necessarily sexual in nature. For example, it can be singling out one sex with acts of aggression, intimidation, hostility, rudeness, name calling, or other types of abusive conduct.
- Behavior or actions can be considered harassment even if the alleged harasser did not intend to offend.

8. The Problem of Perception

What one person considers offensive, another may consider harmless. Distinguishing between harassment and social insensitivity is very difficult. Unfortunately, the law does not provide a "bright-line" rule about exactly what comments and behaviors constitute harassment. However, bear in mind that, if a "reasonable person" would find the behavior so offensive as to interfere with his/her work performance, then it is likely to be considered harassment. NPS policy is to ACT and STOP any inappropriate behavior, investigate, and ensure that the inappropriate conduct does not recur — even if the behavior does not rise to the legal definition of harassment.

9. The Importance of Communicating That Words or Actions Are Unwelcome

If someone is being harassed, s/he should tell the alleged harasser in no uncertain terms to stop the behavior. If the employee is not able to do so alone, the employee can ask a friend or a trusted coworker to help him or her talk to the alleged harasser. This

does not mean that the victim has to confront the alleged harasser or put the allegation in writing. Nonverbal behavior can also be sufficient in some cases to communicate that the behavior is unwelcome. "No" means "no," whether it is communicated verbally or nonverbally. However, a clearly communicated verbal "no" is usually more effective in stopping harassment. In all cases of harassment, employees should also report the incident to their immediate supervisor or manager, to another supervisor or manager, or to the Human Resources or EEO Manager or EEO Personnel.

10. Sexual Harassment and the Office Romance

Managers are discouraged from engaging in romantic and/or physical relationships with their subordinate employees. Perceptions of unfair treatment often arise under these circumstances and undermine employee morale. When a supervisor or manager who engages in office romances appears to favor those with whom s/he is involved, the supervisor's or manager's behavior tends to foster a belief among other employees that their chances for advancement depend upon their willingness to engage in similar conduct with the supervisor or manager. Relationships between supervisors or managers and employees that are based on such a belief are not considered fully consensual. Therefore, to avoid allegations of harassment and/or unfair treatment, supervisors or managers should not engage in relationships with their subordinate employee.

11. Contractors, Vendors, Volunteers and Other Third Parties

Just as the NPS will not tolerate harassment by or against its employees, it also will not tolerate harassment by or against anyone in the workplace, including contractors, vendors, volunteers, and other third parties who may be in the workplace only temporarily. Employees have the right to complain about harassment by such individuals. Conversely, these individuals can also complain about harassment by NPS employees. Either way, once improper behavior is brought to the attention of the NPS, management must promptly take steps to investigate and stop it.

12. Retaliation Is Illegal

Retaliation against an employee who raises a harassment claim or provides information in an inquiry is illegal. Management employees who fail to fulfill their obligation under NPS policy regarding harassment claims may also be found to have retaliated against an employee because of the adverse effect of their willful indifference.

13. What You Must Do to Prevent Workplace Harassment

As a manager and/or supervisor it is your role to listen, inquire, and try to resolve a harassment complaint immediately.

14. Educate Yourself and Others

- Educate yourself on the topic of workplace harassment. Make sure your staff is aware that harassment is illegal, and also ensure that your staff is aware of the NPS policy against harassment.
- Identify for employees some of the possible consequences of engaging in improper behavior, whether or not it meets the definition of illegal workplace harassment. In addition, express strong disapproval of harassment in any form.
- Educate your employees in identifying harassment, the remedies available, and how to stop inappropriate behavior.
- Inform your employees of their right to report inappropriate conduct without fear of retaliation. Ensure they know that complaints will be kept confidential during the inquiry (to the extent possible). Ask your Employee Relations (ER) Specialist or EEO Manager for help as necessary, and keep your management official informed as you resolve complaints that may arise.
- Document the date of the employee training on harassment and have attendees sign a document affirming their attendance.

15. Enforce Policies

- Take every incident or complaint seriously. Do not ignore harassing or improper behavior or believe it to be only a personal matter between the alleged harasser and alleging individual.
- Conduct harassment inquiries promptly and, where necessary, take inquiries to the next appropriate level.
- Immediately put a stop to all inappropriate behavior.
- Confer with and inform the management official, ER Specialist, or the EEO Manager of any harassment allegations and inquiries. If Human Resources personnel or others conduct an inquiry, stay informed of their progress. It is your responsibility to ensure that any inquiry is brought to appropriate closure.

- Take remedial action when appropriate. The action should be commensurate with the severity of the conduct. Consult with the Employee Relations (ER) Specialist for guidance.
- Follow-up to ensure that harassment does not continue and that retaliation does not occur.
- Inform employees of their rights and remedies, including their right to file an EEO complaint or grievance. **However, do not dismiss employees by telling them to file an EEO complaint or a grievance. You must manage the problem yourself, even if the employee also chooses to file a grievance or EEO complaint.**

16. Expedited Inquiry Process

The Expedited Inquiry (EI) requires the manager/supervisor to react promptly to complaints alleging harassment and compels the manager/supervisor to deal with the problem. In short, an inquiry prevents both blanket dismissal of such complaints or only referring the issue to an EEO Manager. While the latter is appropriate when the employee wishes to bring a complaint, it is not appropriate only to refer the employee to an EEO Manager instead of dealing with the employee's issue.

The EI allows managers and supervisors to whom a complaint is brought to get enough information at the outset to:

1. Determine whether there is an immediate need to separate the individuals involved.
2. Advise employee about the Employee Assistance Program (EAP).
3. Determine whether other employees are being harassed.
4. Assess the nature and scope of the problem in the workplace.
5. Decide whether the manager or supervisor can remedy the problem, or whether referral to your Manager, ER Specialist (HR), or EEO Manager for further inquiry is warranted because of the individuals involved or the nature and scope of the allegations.

17. Maintain Confidentiality

It is very important to let employees know that confidentiality will be maintained to the greatest extent possible. However, it is equally important to remind them that at certain points in the EI process and (if applicable) the EEO process, it may be necessary to provide information that will identify the alleging individual, alleged harasser and all witnesses to officials such as the:

- Next Higher-Level Management Official
- Human Resources/Employee Relations Manager
- EEO Manager

18. Receiving the Complaint and Beginning the Inquiry

1. Act promptly. Do not let the complaint languish. Failure to act promptly may result in loss of information or a finding that the employer did not act quickly or reasonably to correct alleged harassing behavior.
2. Listen carefully to the person alleging harassment.
3. Confer with the ER Specialist in Human Resources (HR), EEO Manager, or Collaborative Action and Dispute Resolution (CADR) or NPS Dispute Resolutions Specialist CORE PLUS about harassment allegations and inquiries.
4. Gather the necessary inquiry forms by following the process set forth in this guidance. Conduct a thorough and impartial inquiry.
5. Separately interview the individuals involved including witnesses. Begin with broad questions, and then ask questions specific to the complaint. Remember to pose your questions in a nonthreatening manner. Thoroughness and documentation are important.
6. Gather pertinent information (e.g., policies, procedures, laws, and practices). If necessary, contact the ER Specialist or EEO Manager in your Region for this information.

19. Determining Next Steps in Conducting the Inquiry

The Manager/Supervisor must work with appropriate officials to initiate actions to conduct a prompt, thorough, and impartial inquiry into the harassment or hostile work environment claims(s). As a fact-finder, the agency official must not have been involved in any manner in the situation under an EI.

❖ See Appendix 1 - Overview of Expedited Inquiry Process.

20. Duties of the Fact-finder

1. To collect information that is relevant and material to the matter or matters under EI; "off-the-record" statements are not acceptable.
2. To ascertain and consider the evidence on all sides of an issue;
3. To be thorough and impartial;
4. To prepare a report of the findings and recommendations within 15 calendar days of the inquiry.
5. The primary function of the fact-finder is to establish details and report them. The fact-finder's duty is to ascertain and consider the evidence on all sides of each issue, thoroughly and impartially, and to make finding, conclusion, and recommendations (as requested or as appropriate) that are warranted by the facts, even where those findings or recommendations are adverse to the individual or individuals concerned. Generally, the duties of a fact-finder will take priority over the individual's regular daily duties.
6. The fact-finder is recommended to be of equal or senior status to any person whose conduct or performance may be inquired upon or against whom adverse findings or recommendations may be made.

21. Conducting the Interviews

1. Preparation

Before conducting witness interviews, the fact-finder may consult Employee Relations officials or EEO Managers or law enforcement personnel for guidance on interview techniques. The following suggestions may be helpful:

1. Prepare for the interview. While there is no need to develop scripts for the witness interviews, the fact-finder may wish to review the information required and prepare a list of questions or key issues to be covered. This will prevent the fact-finder from missing issues and will maximize the use of the fact-finder's and witness's time. Generally, it is helpful to begin with open-ended questions such as "Tell me what happened" After a general outline of events is developed, follow up with narrow, probing questions, such as "Did you see Mr. X leave the office before or after Mr. Y?" Weaknesses or inconsistencies in testimony can generally be better explored once the general sequence of events has been provided.
2. Ensure the witness's privacy. Fact-finders are to conduct the interview in a place that will be free from interruptions and will permit the witness to speak candidly without fear of being overheard. Witnesses must not be subjected to improper questions, unnecessarily harsh and insulting treatment, or unnecessary queries into private affairs.
3. Focus on relevant information. Unless precluded for some reason, the fact-finder should begin the interview by telling the witness about the subject matter of the EI. Generally, any evidence that is relevant and useful to the EI is permissible. The fact-finder should not permit the witness to get off track on other issues, no matter how important the subject may be to the witness. Information should be material and relevant to the matter under an EI. Relevancy depends on the circumstances in each case. Compare the following examples:

(1) Example 1: In an EI of alleged harassment in the office, information on the manager's leadership style might be relevant.

(2) Example 2: In an EI of allegations that a manager has abused his/her authority, the witness's observation of the manager's leadership style would be highly relevant.
4. Let the witness speak in her/his own words. Fact-finders must avoid coaching the witness or suggesting the existence or non-existence of material facts. After the interview is completed, the fact-finder should assist the witness in preparing a written statement that includes all relevant information. Written information also should reflect the witness's own words and be natural. Stilted "police blotter" language is not helpful and detracts from the substance of the inquiry.
5. Tape Recording. A tape recorder may be used; however, the witness is to be advised of its use. Additionally, the tape should be safeguarded as a Government record, even after the EI is completed. If the interviews involved personally identifiable information (PII), the tape must be protected accordingly.

6. Protect the interview process. A fact-finder may direct witnesses not to discuss their statement or interview with other witnesses or with persons who have no official interest in the proceedings until the EI is complete. This precaution is recommended to eliminate possible influence on the statements of witnesses still to be interviewed. Witnesses, however, are not precluded from discussing matters with counsel.

2. Obtaining witness statements.

1. Witness interviews and statements are required. Clearly, the best interviews occur face-to-face; however, if necessary, interviews may be conducted by telephone or mail. Because of the preference for face-to-face interviews, telephone and mail interviews should be used only in unusual circumstances. Information obtained telephonically should be documented in a memorandum for record.
2. Legible handwritten witness statements and/or questions and answers are ordinarily sufficient. If the witness statement involves technical terms that are not generally known outside the witness's field of expertise, the witness should be asked to define the terms the first time they are used.
3. Fact-finders do not have the authority to subpoena witnesses. However, all NPS employees must fully cooperate with NPS informal expedited inquiries. This includes an obligation to provide a written statement and to provide any other information pertinent to matters under an EI.

3. Scheduling witness interviews.

1. The fact-finder will need to determine which witnesses should be interviewed and in what order. Often, information provided by one witness can raise issues that should be discussed with another. Organizing the witness interviews will save time and effort that would otherwise be spent "backtracking" to re-interview prior witnesses concerning information provided by subsequent witnesses. While re-interviewing may be unavoidable in some circumstances, it should be kept to a minimum.

The following is one approach to organizing witness interviews – it is not mandatory:

2. When planning who to interview, work from the center of the issue outward. Identify the people who are likely to provide the best information. When conducting the interviews, start with witnesses that will provide all relevant background information pertinent to the matter under an EI. This will allow the interviews of key witnesses to be as complete as possible, avoiding the "backtracking" described above.
3. Concentrate on those witnesses who would have the most direct knowledge about the events in question. Without unnecessarily disclosing the evidence obtained, attempt to seek information that would support or refute information already obtained from others. In closing an interview, it is appropriate to ask if the witness knows of any other persons who might have useful information or any other information the witness believes may be relevant to the EI. Any information that is relevant should be collected regardless of the source; however, fact-finders should collect the best information available from the most direct source and always identify the source of the information.
4. At some point, there will be no more witnesses available with relevant and useful information. It is not necessary to interview every member of an office, for example, if only a few people have information relevant to the EI. Also, all relevant witnesses do not need to be interviewed if the facts are clearly established and not in dispute. However, the fact-finder must be careful not to prematurely terminate an EI because a few witnesses give consistent statements.

4. Steps for Interviewing the Alleging Individual

1. Find an appropriate place that ensures confidentiality to hear the complaint. Remain objective; listen with an open mind.
2. Ensure that the alleging individual is comfortable with having you handle the inquiry.

3. Advise the alleging individual of the need for confidentiality and its limitations — i.e., that confidentiality will be maintained to the greatest extent possible, but that at a certain point in the EI process, it may be necessary to provide information that will identify the alleging individual, alleged harasser and all witnesses to officials such as the EEO Manager, Human Resources Manager or next-higher-level management official.
4. Discuss your responsibilities in addressing the complaint such as talking to other parties involved and the possible need to elevate it if it is found that harassment or inappropriate behavior has occurred.
5. Listen carefully and empathetically, repeating what you hear if necessary for clarification. Take detailed notes of the facts (e.g., who, what, when, where, why, and how), using the form located in Appendix 2.
6. Determine the individual's safety. Consider whether the alleged harasser should be moved.
7. Notify appropriate law enforcement in the event of possible criminal conduct.
8. Request a written statement; however, do not insist on a statement if the individual refuses to document the incident.
 - a. Another person's report is enough to start the inquiry. Do not insist that the individual personally affected report the allegation of harassment before you act.
 - b. Do not insist on corroboration or detailed information. While it is certainly helpful, its absence should not deter your inquiry.
9. Show empathy and do not pass judgment on the allegations presented.
10. Advise the individual that retaliation for reporting harassment is illegal and will not be tolerated. Advise the individual to report any retaliation immediately.
11. Thank the individual for making the report and invite her or him to come back if s/he has more facts to add. Make the individual aware of the Employee Assistance Program (EAP) which is available to provide employees with emotional support for problems that may result from being harassed.
12. Notify the individual that you will follow up to:
 - a. Ensure that the alleged harassment has not resumed.
 - b. Ensure that the individual has not suffered retaliation and/or reprisal.
13. Document the interview. Personal notes must be kept confidential and retained for future reference when necessary.

❖ **See Appendix 2 - Form for Interview with Alleging Individual (Harassee).**

5. Steps for Interviewing the Alleged Harasser

1. Promptly contact the alleged harasser and set a time to meet with her/him in a private location.
2. Advise the alleged individual of the incident that has been reported. Inform them of the allegations and the purpose of this inquiry is to gather the facts. Emphasize that you take both the allegations and this EI seriously.
3. Ask if the individual has the right to union representation, if applicable.
4. Advise the alleged individual of the need for confidentiality and its limitations — i.e., that confidentiality will be maintained to the greatest extent possible, however at a certain point in the EI process, it may be necessary to provide information that will identify her/him to the ER Specialist and/or the EEO Manager.
5. Be fair and remain objective.
6. Ask open-ended questions to allow for elaboration, using form at Appendix 3.

7. Request a written statement; however, do not insist on a statement if the individual refuses to document the incident.
8. Confirm answers with the respondent.
9. Based on the answers provided, address new concerns and ask any necessary additional questions, such as who, what, when, where, why, and how, and:
 - a. Are there other people I should talk to?
 - b. Were there other incidents that need to be discussed?
10. Advise her or him that retaliation against the individual or anyone providing information is illegal and will not be tolerated.. Advise her or him of the need to avoid unnecessary contact (non-business essential) with the individual until the inquiry is completed.
11. Thank her or him for responding and invite her or him to come back if additional information should be added.
12. Document the interview. Personal notes must be kept confidential and retained for future reference when necessary.

❖ **See Appendix 3 - Form for Interview with Alleged Harasser.**

6. Steps for Interviewing the Witness (or Witnesses)

1. Assure the witness that their cooperation is important.
2. Inform the witness of the need for confidentiality and its limitations — i.e., Confidentiality will be maintained to the greatest extent possible; however, that at a certain point in the EI process, it may be necessary to provide information that will identify the witness to the management official, Human Resources Manager, ER, or EEO Manager.
3. Share how seriously the Agency takes all allegations.
4. Avoid giving details about the allegation. Your job is to get details.
5. Ask the witness what s/he knows of the incident. Get as many details as possible, such as who, what, when, where, why, and how, using the form at Appendix 4.
6. Based on the answers provided, address new concerns and ask any necessary additional questions, such as who, what, when, where, why, and how, and:
 - a. Are there other people you should talk to?
 - b. Are there other incidents that need to be discussed?
7. Advise the witness that retaliation against her or him for providing information is illegal and will not be tolerated. Advise the witness to report any retaliation immediately.
8. Thank the witness for providing information and invite her/him to come back if there are additional facts to add.
9. Document the interview.

❖ **See Appendix 4 - Form for Interview with Witness.**

22. Steps for Obtaining Documentary and Physical Evidence

The fact-finder may need to collect documentary and physical evidence such as applicable regulations, existing witness statements, accident or law enforcement reports, and photographs. This information can save valuable time and effort. Accordingly, the fact-finder should obtain this information at the beginning of the EI. In some cases, the information will

not be readily available, so the request should be made early so the fact-finder can continue to work on other aspects of the EI while the request is being processed.

It is equally as important to back findings of no fault, no loss, or no wrongdoing with documentary evidence, as it is to document adverse findings. The report of an EI must include sufficient documentation to convince the management official and others who will review the EI that the finding of no fault, no loss, or no wrongdoing is supported by the evidence.

23. Steps to Follow When Evaluating the Information

1. Review your notes.
2. Assess the credibility of the information given by all parties by evaluating the following:
 - a. Do the stories of the alleged misconduct match or come close?
 - b. Does the chronology of events match?
 - c. Did the alleged individual deny anything?
 - d. Did the alleged individual admit to anything?
 - e. Did the alleged individual contradict herself or himself?
3. Consider whether you need to conduct additional interviews to get missing information. Ask yourself these questions:
 - a. Have all inconsistencies between the people interviewed been clarified?
 - b. If not, what other questions need to be asked?
4. Ask yourself the following:
 - a. Did behavior occur that was sexual or based on sex, race, religion, disability, or other harassing behaviors, etc.?
 - b. Was the behavior unwelcome?
 - c. Are all the facts based on observations and information rather than conclusions or assumptions?
5. Consider:
 - a. The nature and severity of the conduct.
 - b. The effect of the conduct on the alleging individual and on a reasonable person.
 - c. The relationship of the two employees. Is there a difference in power (e.g., levels of employees in the organization)? Was there past, or is there present, romantic involvement? Is there an ongoing personal feud? Do the alleging individual and alleged harasser get along well?
6. Did the alleging individual communicate, verbally or nonverbally, that the alleged harasser's conduct was unwelcome?
7. Did the alleged individual continue the conduct?
8. Is there an emerging pattern of behavior from the same unit?
9. If the alleged individual is a manager or supervisor, determine whether the employee suffered a significant change in employment status due to her/his reaction to the alleged incident (e.g., demotion, denial of promotion, or discharge). Use the following questions to help determine the reasons:
 - a. What reasons did the alleged individual give for the personnel action (i.e., not to hire or promote or to give a poor performance evaluation or discipline)?
 - b. Does the evidence support the alleged individual's reasons for the personnel action?
10. If the alleged harassment is by a coworker, contractor, volunteer, or other third party, assess whether management knew or should have known of the harassment.
 - a. Was the alleged individual told by management that her/his behavior was unwelcome? Did s/he continue?
 - b. Who else received or participated in the alleged harassment?

- c. How widespread or pervasive was the conduct?
- d. Did the alleged misconduct occur in private or in public areas?
- e. Were other complaints lodged against the alleged individual?

11. Confer with the management official, Human Resources Manager, ER Specialist, or EEO Manager in your area throughout the inquiry and resolution processes.
12. Determine corrective action in accordance with NPS policies, procedures, guidelines, rules, regulations, and bargaining agreements. Consult with your Employee Relations office and other parties (i.e., Organizational Development, CADR), as applicable. It is critical that you be consistent in the application of discipline and NPS policies and procedures.

24. Preparing Findings, Conclusions and Recommendations

After all the evidence is collected, the fact-finder must review and make findings. The fact-finder should consider the evidence thoroughly and impartially, and make findings of fact, conclusions, and recommendations that are supported by the facts.

- a. **Facts:** To the extent possible, the fact-finder should fix dates, places, persons, and events, definitely, and accurately. The fact-finder should be able to answer questions such as: What occurred? When did it occur? How did it occur? Who was involved, and to what extent?
- b. **Findings:** A finding is a clear and concise statement that can be deduced from the evidence in the record. In developing findings, fact-finders are permitted to rely on the facts and any reasonable inferences that may be drawn from those facts. In stating findings, fact-finders should refer to the exhibit or exhibits relied upon in making each finding. Findings (including findings of no fault, no loss, or no wrongdoing) must be supported by the documented evidence that will become part of the report. Exhibits should be numbered in the order they are discussed in the findings.
- c. **Conclusions:** A conclusion is the position, opinion, or judgment the fact-finder reaches after consideration of all findings.
- d. **Recommendations:** Recommendations should take the form of proposed courses of action consistent with the findings, such as referral to the Employee Relations Specialist for possible disciplinary action (do not recommend specific discipline), or other corrective action. Recommendations must be supported by the facts and consistent with the findings. Each recommendation should cite the specific findings that support the recommendation.

25. Maintaining Confidentiality and Documenting the Inquiry

Some complaints can be resolved simply and directly between the parties without the need for formal written record. You need to decide early in the process whether formal documentation is warranted. A good rule to follow: When in doubt, document. Always remember that confidentiality is of the utmost importance.

To Maintain Confidentiality:

- Do not leave documents exposed on your desk or on your computer.
- Do not give documents or notes to anyone to type for you.
- Place all documents in a separate, locked personal file. If you do not have a locked file, get one! Do not file by any identifier. OFile as "inquiry" only.
- Do not place documents in any of the involved parties' personnel files.
- When the inquiry is completed, place all documents in a sealed envelope marked "CONFIDENTIAL — to be opened by the EEO manager, ONLY." Sign your name on the seal.
- Send your documents to your Regional EEO Manager by a trackable method. Store all EI files in a central location at the Regional EEO office. The Regional EEO Office will keep the files for 4 years after the EI is completed.

❖ See Appendix 5 - Sample Report of Expedited Inquiry.

26. Consulting With Human Resources and Taking Remedial Action

1. Determination 1: Inquiry Is Inconclusive

If the outcome is inconclusive:

- a. Report to the alleging individual.
 - Inform her/him that the inquiry is inconclusive and why.
 - Emphasize that if another incident occurs, s/he should report it immediately. Ask whether s/he feels able to continue to work in that area; if not, consult with your management official, Human Resources, or EEO Manager to explore the possibility of transfer to another location.
 - If appropriate, refer her or him to the Employee Assistance Program (EAP).
- b. Report to the alleged harasser.
 - Inform her/him that the inquiry is inconclusive.
 - Inform her/him that nothing was placed in his/her personnel folder.
 - Emphasize that any other reported incidents will be thoroughly investigated.
 - Advise the alleged harasser that it is illegal to retaliate against a person who has either made a complaint of harassment or who offers information in an inquiry.
- c. Follow-up to ensure that employees are aware of and are following appropriate standards of conduct.
 - Conduct remedial training if needed to address issues raised in the EI. For example, depending on the circumstances, training in workplace harassment awareness and prevention, communication skills, or diversity could be effective in remedying workplace issues.
 - Monitor the workplace and make your monitoring actions known to the workforce. This way, employees will be aware that future misconduct will not be tolerated. Let employees know that you are available as a resource should any misconduct occur in the future.
 - Consider training or staff meetings as forums to reinforce your message that harassment will not be tolerated in the workplace.

2. Determination 2: Harassment Has Not Occurred

If you find that harassment has not occurred

- a. Inform both the alleging individual and alleged harasser — separately — of the determination that harassment did not occur and the reasons for your conclusions.
- b. Ask whether the alleging individual feels able to continue to work in that area; if not, then consult with your management official, ER Specialist or EEO Manager and explore the possibility of transfer or relocation.
- c. Deal promptly with any conduct other than harassment that needs improvement (i.e., rudeness, disparate treatment, or poor judgment).
- d. Advise the alleged harasser that retaliation is illegal.
- e. Follow up to ensure that harassment, retaliation, or both, does not occur and continue employee education. Consider whether workplace harassment training or EAP counseling would be helpful for the entire workgroup.
- f. Note the date and subject matter for your personal records or notes.

3. Determination 3: Harassment or Improper Conduct Has Occurred

If you find that harassment or improper conduct has occurred, you must do the following for a:

- a. Minor, single incident:
 - Stop the conduct. Resolve the problem. Take remedial action as necessary.
 - Advise the alleging individual and the alleged harasser — separately — that retaliation against any person for reporting or providing information is illegal and will not be tolerated.
 - Report results to the alleging individual.
 - Follow up in the workplace to ensure that additional harassment and/or retaliation does not occur.
 - Note the date and subject matter for your personal records or notes.
- b. Serious or recurring incident:
 - Take prompt action to end current harassment or improper conduct and to deter it in the future. Concerning remedies, consult with the ER Specialist or EEO Manager, as appropriate.
 - Fully document actions taken. Use the interview guidelines and forms in this guidance.

- Advise the alleging individual and alleged harasser -- separately -- that retaliation against any person for reporting or providing information is illegal and will not be tolerated.
- Follow up to see that additional harassment or retaliation does not occur and continue employee education.
- Submit your inquiry findings under confidential cover to the Regional EEO Manager. The Regional EEO Office will keep files on the inquiry for 4 years.

27. Informal Expedited Inquiry Process Checklist:

- ❖ Advise all parties of the need for confidentiality and its limitations.
- ❖ Advise all parties of your responsibility to conduct an inquiry and mention the potential for requesting further inquiry by the ER Specialist or the EEO Manager.
- ❖ Maintain a chronology with sufficient detail to identify causes for unusual delays
- ❖ Act promptly. Conduct a thorough and impartial inquiry. Get detailed facts from the parties involved (e.g., who, what, when, where, why, and how). Follow all procedures in this inquiry and conduct a thorough impartial inquiry. Use the guidelines for interviewing the alleging individual, alleged harasser, and all witnesses.
- ❖ Advise alleging individual of her/his rights with regard to resolving the complaint.
- ❖ Convey the NPS's commitment to eliminating harassment and your responsibility to see that a fair, impartial, prompt, and thorough inquiry of the alleged misconduct takes place.
- ❖ Contact the ER Specialist or EEO Manager promptly after receiving a complaint.
- ❖ Take immediate remedial action when necessary (e.g., separate employees and offer EAP counseling). Consult with the ER Specialist or EEO Manager.
- ❖ Remember that the inquiry is an ongoing process; invite all persons interviewed to come back if they have more facts to add.
- ❖ Refer to the ER Specialist if disciplinary action may be necessary.
- ❖ Advise all parties that retaliation against any person for reporting or providing information on potential harassment is illegal and will not be tolerated.
- ❖ Follow up with the alleging individual to inform what s/he can expect to occur during the inquiry.
- ❖ Determine that the findings are supported by the evidence, with cites to supporting exhibits.
- ❖ Determine that conclusions and recommendations are supported by the findings.
- ❖ When the EI is complete, submit all formal written documentation (including interview forms) under confidential cover to the Regional EEO Manager to review the information to ensure that the inquiry is appropriately resolved.

28. Other Resources

For further assistance and related Guidance please review the following:

National Park Service EEO office (Regional)

Director's Order #16D: Equal Employment Opportunity and Zero Tolerance of Discrimination

Director's Order #16E: Sexual Harassment Policy

Director's Order #16F: -National Park Service Anti-Harassment Policy

National Domestic Violence
Hotline 800-799-7233

Rape, Abuse, and Incest Network
800-656-4673

Appendix 1 - Overview of Expedited Inquiry Process.

Appendix 2 - Form for Interview with Alleging Individual (Harassee).

Appendix 3 - Form for Interview with Alleged Harasser.

Appendix 4 - Form for Interview with Witness.

Appendix 5 - Sample Report of Expedited Inquiry.

Quick Reference for Managers to Address Workplace Harassment

1 Respond Promptly	2 Obtain Information	3 Begin EIP	4 Evaluate Information	5 Plan of Action	6 Follow Up
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ADVISORY – This Appendix is a quick reference document. Please consult NPS Manager's/Supervisor's Guide To Understanding, Preventing, and Reporting Harassment for specific guidance.

<p>If approached with a harassment complaint or situation, schedule a meeting in a private location</p> <p>Review relevant:</p> <ul style="list-style-type: none"> a. Information b. Policies c. Procedures <p>Listen objectively.</p> <p>Advise on:</p> <ul style="list-style-type: none"> a. Confidentiality b. Responsibility c. Rights <p>Address sensitivity of situation during inquiry.</p>	<p>Define:</p> <ul style="list-style-type: none"> a. Issue b. Nature c. Scope <p>Consider:</p> <ul style="list-style-type: none"> Safety issues Reporting structure <p>Communicate Employee Assistance Program (EAP) and EEO options.</p> <p>Inform and confer with Regional EEO Manager, Human Resources/Employee Relations (HR/ER) Manager, and next higher-level manager.</p> <p>Discuss remedies.</p> <p>If further inquiry is warranted, proceed to Expedited Inquiry (EI) Process.</p>	<p>Gather Expedited Inquiry Process (EIP) forms.</p> <p>Arrange separate interviews for all parties involved.</p> <p>Advise on EI process.</p> <p>Gather detailed data.</p> <p>Request that a written statement be prepared.</p> <p>Establish timelines for follow-up.</p> <p>If, in the course of this EI Process, you believe that the nature and scope of the complaint warrant outside investigation or that resolution is not feasible, you must refer complaint to Regional EEO Manager, HR/ER Manager, and next higher-level manager.</p>	<p>Assess credibility of statements.</p> <p>Gather missing data.</p> <p>Identify the type of harassment discussed.</p> <p>Evaluate employment status change.</p> <p>Inform and confer with Regional EEO Manager, HR/ER Manager, and next higher-level manager.</p> <p>Determine corrective action.</p> <p>If criminal action has occurred, notify NPS Regional Law Enforcement (LE) and local law enforcement.</p> <p>Report to the Office of Inspector General (OIG), NPS Regional LE any use of electronic devices, computer, or internet to transmit harassing communications.</p>	<p>Consult about remedies or discipline with HR/ER Manager, Regional EEO Manager, and, next higher-level manager.</p> <p>Ensure that the inquiry was conducted properly.</p> <p>Deliver the determination separately to alleged harasser and alleging harassee.</p> <p>Emphasize:</p> <ul style="list-style-type: none"> a. Retaliation is illegal. b. Report future incidents. <p>Resolve issues.</p> <p>Document action taken.</p>	<p>Send EI documents to Regional EEO Manager</p> <p>Maintain confidentiality</p> <p>Convey National Park Service's Anti-Harassment Policy in:</p> <ul style="list-style-type: none"> a. Remedial training b. Stand-up talks c. Staff meetings <p>Educate yourself and personnel on up-to-date NPS Anti-Harassment policy.</p> <p>Enforce NPS Anti-Harassment policy.</p> <p>Follow up and monitor the workplace.</p>
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Overview of Steps

When encountering a harassment complaint or situation, **your role as a manager is to stop, listen, inquire, and try to resolve the harassment complaint.** Keep in mind that the employee is addressing a sensitive topic.

1

Respond Promptly

RESPOND PROMPTLY to the complaint regardless of its form or content. Remember that you could receive a complaint with no prior warning. Any report of harassment is enough to start an inquiry. So whenever possible:

1. Set time aside to discuss concerns.
2. Assess the location of the conversation due to its sensitive nature; be aware of your surroundings and the effect the environment can have on an individual's willingness to provide information.
3. Briefly review the information, policies, and procedures surrounding the issue being discussed.
4. Advise parties of confidentiality rights and their limitations; discuss your responsibility in handling the complaint.
5. Advise the alleging party of the right to report any inappropriate conduct without fear of retaliation and that you take harassment and allegations of harassment seriously.

2

Obtain the Information

Remember: Your responsibility is to ensure that a fair, impartial, prompt, and thorough inquiry of the alleged misconduct takes place. In order to **OBTAIN THE INFORMATION** you need to begin the Expedited Inquiry Process (EI Process), you should:

1. Determine preliminarily if the conduct being described would be considered harassment or inappropriate workplace behavior.
2. Assess the nature and scope of the problem in the workplace.
3. Determine whether there is a potential safety issue and if there is an immediate need to separate the parties involved or modify reporting relationships.
4. Inform the individual who reported the harassment of his or her Employee Assistance Program (EAP) options.
5. Inform the alleging harassee that he or she has a right to file a complaint with an Equal Employment Opportunity (EEO) Representative within 45 days of the inappropriate conduct.
6. Determine whether you can remedy the problem or whether a referral or involvement of a the EEO Manager, Human Resources/Employee Relations (ER) Manager, and/or the next higher-level manager is warranted.
7. Determine whether formal documentation is warranted.

3

Begin EI Process

If an inquiry is warranted, **BEGIN EI PROCESS**. Gather guideline forms provided. There is a separate form for each party involved (i.e., alleging harassee, alleged harasser, and witness). Conduct interviews with involved parties separately. Ask questions in an open-ended manner to allow for elaboration. Remain consistent throughout the process, as follows:

1. Interview – separately – the alleging harassee and the alleged harasser. Arrange a meeting in an appropriate location. Advise of confidentiality rights and their limitations. Advise that the allegations and the EIP are taken very seriously.
 - a. For the alleging harassee — Establish that the person is comfortable having you handle the inquiry and discuss your responsibility in handling the complaint. Display candor and listen with an open mind. Do not form any judgments.

3

Begin EI Process

(continued)

- b. For the alleged harasser — Advise that this is an initial inquiry to gather facts. Be fair and remain objective; remember the concept of “innocent until proven guilty.”
2. Gather information from both parties and take detailed notes of facts such as: who, what, where, why, when, type, time period, frequency, reaction, communication, impact, or adverse action.
3. Request that a written statement be prepared. However, this is not a prerequisite to taking action and is not a requirement if the alleging harasser refuses to provide a statement.
4. Advise that retaliation is illegal, will not be tolerated, and will be reported.
5. Thank the alleging harasser, alleged harasser, and participating witnesses separately for their cooperation with the inquiry, and invite all parties involved to come back if they have more facts to provide.
6. Inform both the alleging harasser and the alleged harasser that you will keep them informed during the process and establish a timeline to follow up.
7. Be sure to use this guideline to document the interview appropriately, so you can be prepared to send your report to the Regional EEO Manager. Maintain confidentiality in that information is shared on a “need to know” basis.
 - a. You must document all serious and recurring cases of alleged harassment and inappropriate action, including corrective actions taken.
 - b. Some complaints can be resolved simply between parties without a formal written record.
 - c. For a minor, single incident, you should make a personal note of the incident in your records and make sure that these confidential records are retained for further reference when necessary. When in doubt, document.
8. Do not insist on corroboration or detailed evidence. While helpful, its absence should not deter you from taking action.

4

Evaluate Information

EVALUATE INFORMATION, review notes, and determine the next steps by doing the following:

1. Assess the credibility of all information collected. Ensure that the facts are based on observation and evidence rather than conclusion or assumption. Stick to the facts.
2. Consider whether you need to conduct further interviews to clarify inconsistencies or gather missing information.
3. Determine whether the employee suffered a significant change in employment status due to the alleged harassment (e.g. demotion, denial, or discharge).
4. Assess whether management knew or should have known about the harassment or inappropriate workplace behavior. Throughout the inquiry and resolution process, confer with the Regional EEO Manager, Human Resources/Employee Relations (HR/ER) Manager, and the next higher-level manager.
5. Determine corrective action in accordance with National Park Service policies, procedures, guidelines, rules, regulations, and collective bargaining agreements. Consult with your Regional Labor Relations office, as applicable. Remember that consistency in the application of discipline is critical.
6. In the event of possible criminal actions (such as physical assault or stalking), notify the National Park Service Law Enforcement (LE) and local law enforcement. Report the use of any electronic device, computer, or the Internet to transmit threatening or harassing communications, indecent images, or materials to the LE, and Office of Inspector General (OIG).

5

Plan of Action

Develop a **PLAN OF ACTION**, consult with Regional EEO Manager, and HR/ER Manager, and take remedial action as appropriate. Be sure to convey that the National Park Service is committed to eliminating harassment and inappropriate workplace behavior. It is your responsibility to see that a fair, impartial, prompt, and thorough inquiry of the alleged misconduct has taken place. With regard to determinations:

1. If an inquiry is **INCONCLUSIVE** or shows that harassment or inappropriate workplace behavior **HAS NOT** occurred, inform both the alleging harasser and the alleged harasser (separately) of the determination and report the reasons for the conclusion.
 - a. When reporting to the alleging harasser:
 - Acknowledge that the alleging harasser did the right thing by reporting the incident and/or cooperating with the inquiry
 - Emphasize that if another incident occurs, he or she should report it immediately
 - b. When reporting to alleged harasser:
 - Inform the harasser that nothing will be placed in his or her personnel folder
2. If an inquiry shows that harassment or inappropriate workplace behavior **HAS** occurred:
 - a. Take prompt action to end current harassment or improper conduct:
 - Consult with the EEO Manager, HR/ER Manager, in your region, and the next higher-level manager, on how to consistently determine the appropriate remedy or disciplinary action
 - Resolve the problem and take remedial action, if necessary
 - b. Inform both the alleging harasser and alleged harasser separately of the determination of the EI, the reason for the conclusion, and the actions to be taken
 - c. When reporting to the harasser:
 - Acknowledge that the harasser did the right thing by coming forward and cooperating with the inquiry. Apologize to the employee on behalf of the organization, including upper management
 - Emphasize that if another incident occurs, he or she should report it immediately
 - d. Resolve the problem and take remedial action if necessary:
 - When a remedy is determined, administer the chosen remedy appropriately. Make sure that discipline is consistent with the severity of the conduct and is executed consistently
 - Remedial actions may include: discussion, remedial training, letter of warning, suspension, transfers, demotion, and/or discharge
 - Documentation is confidential, to be shared on a "need to know" basis:
 - For a minor, single incident, inform the alleging harasser that the notes can be placed in the fact-finder's personal folder for future reference.
 - For a serious or recurring incident, inform the alleging harasser that records will be kept for 4 years at the Regional EEO Resources office.

5

Plan of Action

(continued)

3. Consulting with each party separately, assess whether all parties involved feel able to continue to work in the area. If not, consult with Regional HR/ER Manager and the next-higher-level manager to explore the possibilities available.
4. Record the date and subject matter for your notes. Fully document actions taken on the appropriate guideline forms and ensure that all EIP files are sent, under confidential cover, to your Regional EEO Manager. The EEO Manager, Human Resources Manager, and the next-higher-level manager will review the information to ensure that the inquiry is appropriately resolved. The files must be kept for 4 years after the expedited inquiry is completed.

Note: Regardless of determination, in all cases reiterate that retaliation against any person for reporting or providing information on potential harassment is illegal and will not be tolerated.

6

Follow Up

Always **FOLLOW UP** in the workplace to ensure that employees are aware of and follow the appropriate standards of conduct and monitor the workplace openly for harassment issues. Seriously consider if:

1. Remedial training will address issue raised during the inquiry.
2. Periodic stand-up talks or staff meetings can be used as forums to reinforce your commitment and message of zero tolerance for harassment.

Workplace Harassment Interview Guidelines

INTERVIEW WITH ALLEGING INDIVIDUAL

Date: (DD/MM/YYYY)

ALLEGING INDIVIDUAL INFORMATION

Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, Zip™ Code)

Tour and Hours of Duty:

Dates and times the event(s) occurred:

Note: Advise alleging harassee of your responsibility to see that a prompt and thorough management inquiry of the conduct takes place.

CONTACT INFORMATION OF ALLEGED HARASSER

1. Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, Zip Code)

2. Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, Zip Code)

3. Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, Zip Code)

ALLEGING INDIVIDUAL INFORMATION

Name of Alleging Individual: *(First Name, Last Name)*

Job Location: *(Name of Facility, Street, City, State, Zip Code)*

INCIDENT/ACTION INFORMATION

Date of Alleged Incident/Action: *(DD/MM/YYYY)*

Describe specifically the actions and the dates on which they occurred.

Was this an isolated event or a pattern of similar events or behavior?

What was your reaction?

How did this conduct or behavior affect you? How did it make you feel?

ALLEGING INDIVIDUAL INFORMATION

Name of Alleging Individual: *(First Name, Last Name)*

Job Location: *(Name of Facility, Street, City, State, Zip Code)*

Can you continue to work at your current location?

Can you identify other individuals with knowledge of the alleged conduct at issue or of similar actions or behaviors by the charged individual(s) in the past? (Include observations, what people heard, and who you told about the events in question.)

Are there any documents or other physical evidence that may support the claim of the alleged occurrences? If so, identify them.

Have you previously complained about this or related acts of harassment to a supervisor or manager? If so, please identify the individual(s) to whom you complained, the date(s) of the complaint(s), and the resolution(s), if any.

ALLEGING INDIVIDUAL INFORMATION

Name of Alleging Individual: *(First Name, Last Name)*

Job Location: *(Name of Facility, Street, City, State, Zip Code)*

Ask the alleging individual how he or she would like the matter resolved.

Ask the alleging individual if there is any question not asked that should have been, and if there is anything else about the allegations or any other information related to the inquiry that he or she would like to provide.

FORMS AND FOLLOW UP

Submit all forms under confidential cover to the Regional EEO Manager, upon prompt completion of the expedited inquiry. The EEO Manager, Human Resources Manager, and the next-higher-level manager will review the information to ensure that the inquiry is appropriately resolved.

Workplace Harassment Interview Guidelines

INTERVIEW WITH ALLEGED HARASSER

Date: (DD/MM/YYYY)

ALLEGED HARASSER INFORMATION

Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, Zip Code)

Tour and Hours of Duty:

Date of Interview: DD/MM/YYYY

INCIDENT/ACTION INFORMATION

Date of Alleged Incident/Action: (DD/MM/YYYY)

Do you recall the incident? If yes, then what is your recollection of the incident?

How did the alleging individual react to your words or actions?

Can you identify any witness with knowledge of this incident, either directly or indirectly through you?

Can you identify any documents or other supporting evidence?

Is there any other information that should be considered in evaluating this case—e.g., perception of working relations with alleging individual or perception of why the charge was made?

Has anyone ever made allegations of this type against you before? When? And Where? Describe the circumstances, including whether the allegations were investigated and the outcome?

Have you ever been disciplined for improper conduct or harassment?

FORMS AND FOLLOW UP

Submit all forms under confidential cover to the Regional EEO Manager, upon prompt completion of the expedited inquiry. The EEO Manager, Human Resources Manager, and the next-higher-level manager will review the information to ensure that the inquiry is appropriately resolved.

Workplace Harassment Interview Guidelines

INTERVIEW WITH WITNESS

Date: (DD/MM/YYYY)

WITNESS INFORMATION

Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, Zip Code)

Tour and Hours of Duty:

Length of time the witness has known the alleging individual:

Length of time the witness has known the alleged harasser:

INCIDENT/ACTION INFORMATION

Provide a factual statement regarding the allegations, noting what you saw or heard, where and when the incident occurred, and anyone else who was there.

Date of Alleged Incident/Action: (DD/MM/YYYY)

Do you recall the incident? If yes, then what is your recollection of the incident? Describe the parties' reactions.

Provide identities of other persons with knowledge of information relevant to this inquiry—either because (1) they are aware of similar behavior by the alleged harasser toward other employees, or (2) you spoke to anyone else about the incidents.

Provide any other information that should be considered in this case.

FORMS AND FOLLOW UP

Submit all forms under confidential cover to the Regional EEO Manager, upon prompt completion of the expedited inquiry. The EEO Manager, Human Resources Manager, and the next-higher-level manager will review the information to ensure that the inquiry is appropriately resolved.

SAMPLE REPORT OF EI

DATE: _____
FROM: Peter Colombo, fact-finder
TO: Appointing Authority
SUBJECT: Expedited Inquiry into a hostile work environment at _____

On _____ [date] _____, you appointed me to conduct an EI regarding a reported hostile work environment between Mr. Smith and Mr. Jones.

Findings:

1. On December 12, 2014, at the park visitor center there was a report of a loud verbal confrontation between division chiefs Smith and Jones where a physical altercation took place.
2. Visitor Use Assistant's (VUA) Gray and Gold were in the visitor center when the incident occurred.
3. VUA Gray indicated he heard Mr. Smith yell and use profanity but did not see how Mr. Jones ended up on the floor and he did not see Mr. Smith kick Mr. Jones. (Statement attached).
4. VUA Gold indicated he heard Mr. Jones say something to Mr. Smith but could not hear what was said. He next saw Mr. Smith get very agitated, use profanity, and push Mr. Jones down to the floor. Mr. Gold additionally indicated that while Mr. Jones was still on the ground, Mr. Smith kicked him twice and walked out of the visitor center. (Statement attached).
5. Mr. Smith was interviewed and he indicated that Mr. Jones insulted him by telling him that he had seen his girlfriend with another man. Mr. Smith said he did not like the comment and lightly pushed Mr. Jones away, but that Mr. Jones tripped and fell. Mr. Smith denied kicking Mr. Jones. (Statement attached).
6. Mr. Jones was interviewed and he indicated that after he made a statement to Mr. Smith, which was meant as a joke, Mr. Smith "went crazy," started yelling, used profanity and pushed him hard to the floor. Mr. Jones stated that while he was still on the floor, Mr. Smith kicked him three or four times. (Statement attached).

Conclusions:

The evidence suggests that Mr. Jones made a comment to Mr. Smith that caused Mr. Smith to become agitated. Mr. Smith then pushed Mr. Jones with enough force that he fell to the ground. The evidence further indicates that Mr. Smith kicked Mr. Jones when he was on the ground.

Recommendation(s):

7. a. This case will be turned over to the Employee Relations Specialist for additional inquiry into a physical confrontation between two employees.

NATIONAL PARK SERVICE

**OFFICE OF EQUAL
OPPORTUNITY
PROGRAMS
WASHINGTON, D.C. 20005
2016**

